

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

AMERICAN PETROLEUM INSTITUTE	)	
	)	No. 3-09-1195
v.	)	
	)	
KEN GIVENS, in his official capacity	)	
as Commissioner of Agriculture of the	)	
State of Tennessee	)	

ORDER

Pursuant to the order entered August 23, 2011 (Docket Entry No. 38), counsel for the parties called the Court on August 31, 2011, at which time the following matters were addressed:

1. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Julius Johnson is automatically substituted for Ken Givens as the defendant in this case.

Therefore, the Clerk is directed to terminate Ken Givens as the defendant and to substitute therefor Julius Johnson, in his official capacity as Commissioner of Agriculture of the State of Tennessee, as the sole defendant in this case.

2. Counsel advised that they have been involved in discussions about the potential for resolving this case by settlement, and believe that within the next few weeks they should be able to know whether they can reach a resolution.

3. Counsel for the parties shall convene another telephone conference call with the Court on **Monday, October 10, 2011, at 1:00 p.m.**, to be initiated by plaintiff's counsel, to address whether the parties have reached a settlement and, if not, whether the potential for settlement remains.

It is so ORDERED.

  
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JULIET GRIFFIN  
United States Magistrate Judge